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BY EMAIL

October 18, 2007

Re: Williams v. Lazarus, et al.  
No. 05-Civ-05909

Honorable Harold Baer, Jr.  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Chambers 2230  
New York, New York 10007

Dear Judge Baer:

I am in receipt of the letters sent to Your Honor by Mr. Williams's mother and sister dated October 8, 2007, which I appreciate the Court forwarding to me. I am pleased to report that since my review of the letters and my discussion of them with Mr. Williams, the parties have reached an agreement in principle to settle the case. I am now working with opposing counsel to memorialize the settlement. Once the relevant settlement-related documents have been executed, we expect to file a stipulation dismissing the case with prejudice as against all defendants.

Pursuant to the Court's April 16, 2007 Order directing me to keep the Court apprised of any developments, I provide the Court with the following background concerning the parties' settlement negotiations.

On June 21, 2007, the Court held a telephonic conference with myself and defense counsel Ms. Victoria Lombardi concerning settlement. Ms. Lombardi set forth her client's position that it was interested in settlement, but that it would pay only an amount significantly less than \$37,500.00. Your Honor suggested that if Mr. Williams was not interested in settling the case within this range, then the Court's involvement in settlement discussions would not be fruitful.

On August 29, 2007, the parties reached a tentative agreement to settle the case for \$27,500.00. Thereafter, on September 21, 2007, it came to my attention that the New York City Department of Social Services may have a right of recovery against the proceeds from this case in the amount of \$3,910.00 due to a Medicaid lien. After sharing this information with opposing counsel, we renegotiated the settlement such that the defendant increased its offer by approximately \$2,000.00 to cover approximately one half of the Medicaid lien. Mr. Williams, however, expressed dissatisfaction that he would recover

Honorable Harold Baer, Jr.

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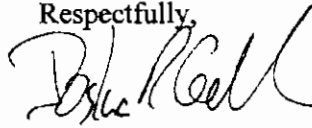
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less than the originally agreed-to amount of \$27,500.00. He communicated to me that he was reconsidering his decision to settle, and that he would get back to me with a final decision. Subsequently, the Court received the October 8, 2007 letters from Mr. Williams's mother and sister, and forwarded copies to my attention.

After reviewing the letters, I telephoned Mr. Williams on October 16, 2007 and discussed the letters and Mr. Williams's options with Mr. Williams. At the conclusion of this conversation, Mr. Williams decided to settle the case for \$29,455.00. I spoke with opposing counsel that same day and she confirmed her client's agreement to settle for this amount. As indicated above, we are now preparing settlement papers and expect to file them with the Court in the near future.

Please contact me should you have any questions or concerns.

Respectfully,



Joshua R. Geller

cc: Victoria A. Lombardi (by email)  
Jimmie Meccya Williams (by Federal Express)

*Sounds under the  
circumstances to be  
a fair resolution to  
please endeavor to  
have this at Discontinuance  
Signed sealed & delivered  
upon the ink of the sign  
thanks for all your help*

ORDERED:  
*Harold Baer, Jr.*  
Harold Baer, Jr., U.S.D.J.  
11/29/07

Endorsement :

Sounds under the circumstances to be a fair resolution  
please endeavor to have stipulation of discontinuance signed  
sealed and delivered before the end of the year and thanks for  
all your help.